

IT IS SO ORDERED.

Dated: 09:32 AM May 06 2009



Marilyn Shea-Stonum
MARILYN SHEA-STONUM MVK
U.S. Bankruptcy Judge

200850868
(ncd)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
AT AKRON

IN RE:

LaLonnie Mae Terry
Debtor

Case No. 08-53443

Chapter 13
Judge Marilyn Shea-Stonum

AGREED ORDER OF U.S. BANK, N.A.
FKA FIRSTAR BANK, N.A. FOR
RELIEF FROM STAY (PROPERTY
ADDRESS: 874 SOUTH JENKINS BLVD
AKRON, OH 44306)

This matter came to be considered on the Motion for Relief From Stay (the "Motion") filed by U.S. Bank, N.A. fka Firstar Bank, N.A. ("Movant").

Movant has alleged that good cause exists for granting the Motion and that Debtor, counsel for Debtor, the Chapter 13 Trustee, and all

other necessary parties were served with this Motion and with notice of the hearing date for this Motion; and

The parties have entered into an agreement resolving the Motion, the terms of which are set forth as follows: The post-petition arrearage due as of April 27, 2009, is \$2,795.78, which amount consists of 3 payments (02/09 through 04/09) at \$666.98 each, 2 late charges (02/09 through 03/09) at \$22.42 each, post-petition property inspection fees at \$100.00, and \$500.00 for attorney fees associated with the Motion and \$150.00 court costs incurred herein for filing the Motion.

In order to partially eliminate said post-petition arrearage, debtor's counsel has tendered the sum of \$694.84 to be applied to towards the attorney fees and costs, and the late charges, receipt of which is hereby acknowledged by Creditor, thereby reducing said arrearage to \$2,100.94.

In order to eliminate said post-petition arrearage, the debtor agrees to pay to Creditor and Creditor agrees to accept \$2,100.94 within 60 days of the entry of this order.

Said lump sum payment is in addition to the regular monthly mortgage payments due and owing for said months. All payments shall be tendered to:

**U.S. Bank Home Mortgage
4801 Frederica Street
Owensboro, KY 42301**

This payment address is subject to change.

Failure by the Debtor to make any payment described above shall constitute a default.

IT IS THEREFORE, ORDERED:

1. The Debtor shall maintain regular monthly post-petition payments to Movant outside the Chapter 13 plan beginning with a payment due 05/01/09. Failure by the Debtor to make any payment within **15** days of the date due shall constitute a default.

2. Upon the existence of a default, Movant's counsel may send Debtor and counsel for Debtor a 10-day notice of Movant's intent to file an affidavit and proposed order granting relief from stay.

3. If the default is not cured within that 10-day period, then upon the filing of an affidavit by Movant attesting to the default by the Debtor, an Order shall be entered without further hearing, terminating the stay imposed by Section 362(a) of the Bankruptcy Code with respect to Movant, its successors and assigns. **The only ground for objection to such an Order shall be that payments were timely made.**

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SUBMITTED BY:

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LaLonnie Mae Terry

/s/ Keith L. Rucinski (with reserve to review costs for attorney fees)
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